

Mainstreaming Human Rights in Development in Bangladesh: Conflict and Peace-building in Chittagong Hill Tracts (CHTs)

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バングラデシュでの開発における人権の主流化
—チャッタゴン丘陵地帯における紛争と平和構築—

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Abstract

The aim of this paper is to analyze conflict and peace-building efforts in the Chittagong Hill Tracts (CHTs), southern part of Bangladesh, from development and human rights point of view. In CHTs the economic attractiveness of its forest areas, competition for its agricultural land, the energy potential of its water resources as well as unintended consequences of development, discriminatory socio-economic programs and policies caused violations of human rights and enhanced grievances among local indigenous people which ultimately caused more than two decades long internal ethnic conflict. On the other hand, about a decade after the signing of the peace accord achieving overall human development and building sustainable peace in the CHTs still remains elusive due to violations of human rights. Thus, in the CHTs violations of human rights functioned not only as causes and consequences of conflict but also as transformative factors hampering post-conflict human development and peace-building as well. Therefore, by this case study by using both primary and secondary data this paper analyzes how discriminatory development policies and programs can violate human rights of certain groups in an area and thus enhance ethnic grievances to trigger ethnic conflict. Thus, this paper contributes to the field of development, human rights, conflict and peace-building by analyzing in details the complex nexus among them.

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I . Introduction

Major structural changes in the 20th century world such as de-colonization and the processes of globalization have been accompanied by a decrease in interstate conflicts and an increase in intrastate conflicts (Marshall and Gurr, 2005: 77). Many of these conflicts were ethnic-based and are rightly seen as a tragic socio-political phenomenon, whose emergences, trajectories, and outcomes bring enormous and devastating consequences on human welfare and security (Collier, 2005: 272-3). Within this global trend of conflict, the South Asian region is host to many deeply entrenched ethnic hostility, communal violence and numerous wars, both interstate and intrastate. Some of these conflicts, such as those in Sri Lanka and Kashmir, are well documented, while many others, such as in Chittagong Hill Tracts (CHTs), Bangladesh received minimal attention due to accessibility problem.

Against this background, this study is a contribution to existing academic efforts to explore causes and consequences of ethnic conflict and to find pathways of peace-building in ethnically divided societies. Using the case study of the conflict in the Chittagong Hill Tracts (CHTs), Bangladesh- theoretically, this study makes several contributions to the research on ethnic conflict and peace-building. Empirically, it contributes to an area where there are few studies which have been conducted.

II . Background of the Study and Theoretical Debate

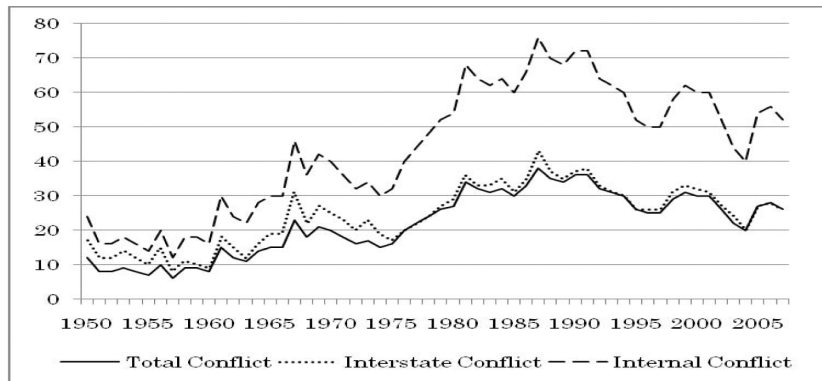
Since the end of the cold war the sharp resurgence of scholarly and public interest about the intrastate conflict is due in part to the relative increase in the frequency of internal war outbreaks worldwide. Figure 1 below presents the number of active global conflicts during 1946-2007, with steady increase of number of internal conflict until 1991 and sharp rise in the 1980-1990's. From 1991 the number began to decline but in 2005, the number increased significantly and since remained essentially the same.

This dramatic increase in the number of intrastate conflicts since 2005 is largely the result of conflict recurrence in countries where violence had once been contained. Figure 2 below shows the number of terminated conflicts in the world with the gray portion of the bar showing the conflicts that have a history of recurrence. In the last five years- for the first time since World War II- a majority of recently terminated conflicts have a history of recurrence.

Due to this sharp increase and recurrence and particularly, due to its direct and immediate sufferings upon civilian population intrastate conflicts have quickly generated widespread attention among the media, policy makers and social scientists. According to recently published data, the number of battle-related casualties from internal armed conflict between 1945 and 2000 is estimated to exceed 7 million (Lacina and Gleditsc, 2005:145-66), and approximately 30 to 60 percent are believed to have

Figure 1: Global Trends in Violent Conflict, 1946-2007

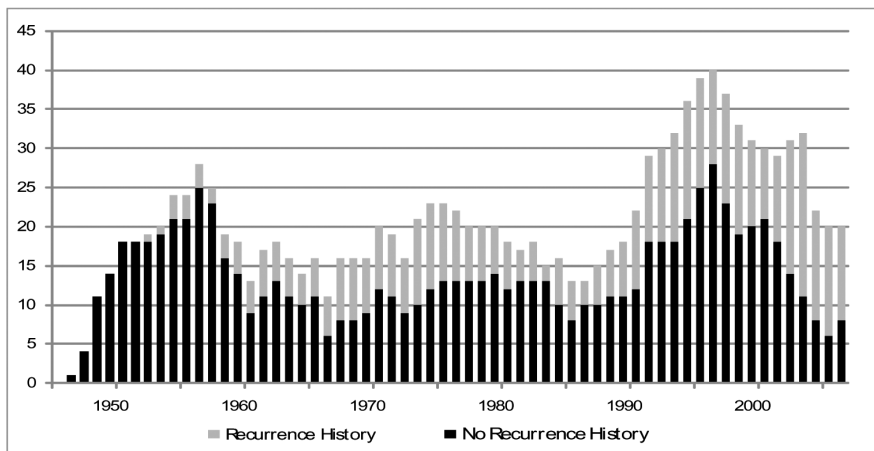
Number of Active Conflicts



Source: PRIO/Uppsala data.

Figure 2 Trends in Conflict Recurrence, 1946-2007

Number of Terminated Conflicts Within Past 10 Years)



Source: PRIO/Uppsala data

been non-combatant civilians (Human Security Centre, 2006).

However, although scholars agree on the rise and devastating consequences of intrastate conflicts, at the theoretical level, *primordialists* (Greetz, 1963), *instrumentalists* (Morries, 2001:3), *institutionalists* (Crawford and Lipschutz, 1998:556), and *competition over resources* theorists (Burton, 1979) show disagreement and argue about explaining causes of ethnic conflict. While these theories explain different risk factors, contemporary conflicts show that these are- linked to violations of human rights (Sriram et al. 2010:1-48). Therefore, dividing risk factors into underlying causes, associated with

violations of economic, social and cultural (ESC) rights and proximate causes, linked to abuses of civil and political (CP) rights contemporary studies explored causes of ethnic conflict in cross country level. However, understanding this relationship on the local level is still fragmentary because three different schools of thought- human rights, development, and peace-building- have offered different and often contradictory perspectives. But, if the basis of domination, discrimination, and injustice can be removed by protecting individuals and group rights, then it would be easier to promote human development and peace-building. Because, with its underlying objectives of upholding human liberty, engendering equality and equity, human rights as an approach can become a fundamental instrument for “structural peace-building” in societies where people have suffered protracted conflict (Ledrach, 1997:151). For peace-building in such societies, principles of human rights can be integrated in different dimensions of development (economic, social, institutional, and instrumental) both by proactive and reactive approach (UNDP, 2006:4).

III. Methodology

With the above analytical framework methodologically this article is based on *extended case study method* using data from both secondary sources as well as primary data generated both from *Socio-economic Baseline Survey of CHTs, 2009*, conducted by the Human Resources Development Centre (HDRC) and by field survey. The HDRC survey covers data of 3238 samples from 199 villages of the CHTs. This is supplemented by field survey data collected in 3 villages from 3 districts of the CHTs. Both sources provide qualitative and quantitative data on demographic, economic, and socio-cultural variables of pre-conflict, conflict and post-conflict period. While quantitative data is analyzed to obtain general patterns and comparisons, qualitative information is used in an explanatory manner to supplement results of the quantitative analysis.

Structurally, rest of the paper is divided into four parts. After introducing the study area briefly, the first part analyzes causes of conflict there from different socio-economic dimensions. The second part, discusses post-conflict socio-economic conditions of the CHTs to understand consequences of conflict and causes of recurrence of conflict. The third part, discusses obligations of Bangladesh government under national and international laws to protect the indigenous people. The fourth part concludes with some recommendations for conflict resolution and peace-building in the CHTs.

IV. Causes of Ethnic Conflict in the CHTs: An Analysis

The Chittagong Hill Tracts (CHTs) in South-eastern Bangladesh, bordering India and Myanmar, covers an area of 13,190 sq. kms, about 10 percent of the total land area of Bangladesh (147,570 sq.km.) (Annex 1 map of the CHTs). Geographically; demographically and culturally the CHTs area is very much different from the rest of Bangladesh. The geography of the region, in contrast to the rest of the country's plains, is comprised of hills, valleys, and lush, dense vegetation and forests cover 81% of the total area of the CHTs (Gain, 2000, pp.1-41). Demographically, Bangalees are predominant in Bangladesh; however, there are at least twenty nine other ethnic or indigenous groups which, according to 1991 census data total 1.3 million, about one percent of the nation's total 150 million population (Mohsin, 1997, p.549). The largest of these groups, the Chakma, and the twelve other ethnic groups inhabit in the CHTs and sixteen groups inhabit different plain land districts of the country. The twelve major ethnic groups living in the CHTs are: Bawm, Chak, Chakma, Khyang, Khumi, Lushai, Marma, Mro, Pangkhua, Tangchangya and Tripura. Collectively they are known as "*Jumma People*", particularly for their special type of cultivation pattern, "Jhum Cultivation"¹. They are distinct from the Bangalee people of Bangladesh in respect of race, language, culture and religion (Haque, 2001:47-57). Religiously, the Bangalees are mostly Muslims but the predominant religion of the IPs is Buddhism, followed by Hinduism, Christianity and Animism. Moreover, while the dominant language in Bangladesh is Bangla the indigenous groups have their own languages which are totally different and belong to languages from the Tibeto-Burmese group or Indo-Aryan languages.

The CHTs area is rich in different types of resources and minerals such as timber, bamboo, fruits, oil, hand rocks, coal, limestone, and gas. But, despite these huge prospects the area is suffering lower in terms of both economic and human development due to the prolonged ethnic conflict for more than 30 years. The conflict in the CHTs has long been the cause of violation of human rights of the ethnic people and exploitation of natural resources. Besides, discriminatory development policies by colonial and post-colonial governments, adverse impacts of development programs, as well as non-recognition of ethnic identity led the ethnic people to form several insurgent groups in the CHTs. The result of all these efforts has been that a course of prolonged battle has taken place between the Government of Bangladesh and ethnic groups.

1 Jhum cultivation is a way of slash-and burn cultivation process cultivating steep slopes practiced in many parts of the world. By cutting down all smaller vegetation the farmer clears a piece of land in the jungle and then fires it. Then in small holes a mixture of different seeds are planted together. The crops ripen in different times and the farmers harvest different types of food throughout the year. A field can be cultivated for a maximum of two years and needs at least 10 years to recover afterwards.

More than 25,000 people, majority from the ethnic community died in this conflict and thousands wounded besides suffering other forms of humiliation (MAR, 2010). However, the conflict is officially declared as over by the “CHTs Peace Accord” signed in 1997. But, still after a decade, development and peace-building in the CHTs remains illusive due to non-implementation of the accord and continuous violations of human rights. Therefore, to find strategies for sustainable peace-building in the CHTs it is necessary to understand various causes of conflict there.

4.1 Development, Displacement, Human Rights Violations and Conflict in the CHTs

Ethnic marginalization and violations of human rights of Indigenous Peoples (IPs) in the CHTs is closely linked to various “Development Induced Destructions (DID)”, development programs and policies taken by colonial as well as post-colonial regimes. Among these, destitute of IPs in the CHTs particularly intensified with the construction of the “Kaptai Hydroelectric Dam” between 1957 and 1963. It submerged 55% of the area, displacing about 25% of the region’s total population (Amnesty International, 2000). Data shows, this project alone displaced more than 100,000 people, more than 64,000 people became refugees to India, and more than 90,000 people became Internally Displaced Persons (IDPs) (Ibid.).

During field visit many IPs expressed their grievances due to this dam and described how their total socio-economic conditions changed by this dam. One of them stated,

Due to the Kaptai dam the shape of the CHTs changed dramatically, the Kaptai lake which is so charming for tourists, for IPs remains a lake of tears, over night everything submerged, one’s total life style, vocation everything changed. Total socio-economic pattern of the CHTs changed. It was such a disaster that still remains as deep wound in collective psyche of hill people (Interview with a local IP leader in Rangamati of the CHTs).

In explaining how Kaptai dam changed their socio-economic condition, an ethnic woman of 72 years old stated,

My husband’s homestead submerged due to Kaptai dam. Our houses were full of rice, there was very little want. We had no dearth of anything. We had goats, cows. We felt happy when guests came, as we had everything we could feed them. But suddenly water came; we lost everything and became poor (Interview with an ethnic Marma woman in Rangamati).

Qualitative data from the field visit also shows IPs grievances regarding lack of

compensation from the government in response to the destruction of the Kaptai dam. One ethnic IDP in Rangamati stated,

It was pledged that people will be rehabilitated; they will get land as compensation. But reality was that they were not compensated with land. Some people were given only lump sum amount of twenty dollar. As a result 35,000 to 40,000 people were forced to leave the country. Many people even died starving that time (Interview with an ethnic IDP in Rangamati).

Thus, construction of Kaptai dam not only changed the socio-economic condition of the CHTs but also created strong grievances among the ethnic people due to government failure to compensate them as well as due to discriminatory compensation.

Besides, at that time government also opened up the area by the name of economic development and encouraged poor Bangalee families to settle there. Particularly, after independence during 1980's, military government sponsored programs, relocated thousands of Bangalees into the CHTs. Analysis from quantitative field data also support this trend of population transfer as almost 70% Bangalees reported living in CHTs less than 30 years, whereas 100 percent of the IPs reported living there more then 30 years by themselves or their ancestors (Table 1). Almost 35% Households (HHs) in the CHTs is transmigrated from the plain lands who are mainly Muslim Bangalees.

Table 1: Ethnicity and time of Living in the CHTs

		Living in CHTs		Total (N)
		More Than 30 Years	Less than 30 Years	
Ethnicity	IP	100% (45)	0%	45
	Bangalee	31.1% (14)	68.89% (31)	45
	All CHT	65.56%(59)	34.44% (31)	90 (100%)

Source: Field data

All these activities had significant stress on the socio-economic condition of the CHTs and reduced the IPs from an overwhelming majority to a minority status both demographically and religiously. Data in table 2 shows number of IPs marginalized to 51% in 1991 from 98% in 1872; number of Muslims increased 6.29% in 1951 to 44.1% in 1991 and number of Buddhist people who belongs to ethnic group reduced from 74.8% to 43.6% in the same time. Particularly, during the military regime (1974-1991) Muslims increased more then double and number of Buddhists reduced to almost half.

Table 2: Change of Demographic and Religion Pattern in CHTs (%)

Census Yr	1951	1961	1974	1981	1991
IPs (%)	91	80	68	59	51
Bangalee (%)	9	20	32	41	49
Religious group	1951	1961	1974	1981	1991
Buddhist	74.8	71.5	66.4	52.4	43.6
Muslim	6.29	11.7	18.8	34.5	44.1

Source: BBS, 1993.

This demographic and religious marginalization is a consequence of displacement of ethnic people as well as in-migration of government sponsored Bangalee people. Analysis from HDRC data shows among the people of the CHTs around 31% IPs displaced from their home, about 22% have lost their land, around 62% i.e. 350,000 Bangalees were transmigrated. Further analysis shows around 32% HHs in the CHTs reported about dispossession of land and statistically it is found ethnically correlated. Enquiry into the causes of out-migration reveals that 15% of all HHs reported reasons related to security, the other commonly stated reasons were eviction from land, and government policy/program. Besides, about 20% of the CHTs HHs reported that they have faced armed violence with 25% IPs and 10% Bangalees.

4.2 Denial of Traditional Property Rights, Ethnic Identity and Conflict in the CHTs

Traditionally in CHTs the notions of private property rights were absent and the special customary traditions of IPs were preserved by the CHTs Regulation-1900 enacted during the colonial period. But, later during the succeeding Pakistani and Bangladeshi periods, through a series of legislative amendments and executive orders, the restrictions were lifted and common land of the tribal people has been converted to state and private land which legalize the settlement of more and more immigrants from the plains (Adnan, 2004; Loffler, 1991). Data in the table 3 below shows large scale land occupation by various government programs in the CHTs, which were traditionally, belongs to ethnic people or they were somehow dependent on these lands for their livelihoods.

Furthermore, the total stock of various resources in the CHTs was reduced by particular kinds of mechanisms, such as, losses of arable lands due to development projects, as well as land acquisition for forestation, military camps, and settlement of Bangalee people. All these caused soil erosion, siltation of water bodies, drying up of water sources, declining yields and incomes of the people of the CHTs.

Table 3: Large Scale Land Occupation in the CHTs

Actors or activities	Amount of land (acres)
Extension or reserve forest	217,790
Social forestry programme	4,940
Forestation programme	273,182
Military camp and training	156,522
Kaptai dam	161,785
Bangalee settlement	500,000
Rubber plantation	15,325
Total	13,29,544

Source: HDRC, 2009

Moreover, the national constitution of Bangladesh adopted in 1972 did not include any provision recognizing the distinct identities of ethnic groups of the CHTs; rather a “Bangalee Nationality” was imposed by definition on all citizens of Bangladesh, irrespective of their linguistic, ethnic or cultural attributes (Article-9) (GoB, 2010). Article 3 of the constitution of Bangladesh specified Bangla as the state language and Article 1 declared Bangladesh to be unitary state, which basically ruled out possibility of the autonomy of the CHTs that IPs were historically enjoyed (Ibid.). In fact, in newly independent Bangladesh national leaders influenced by “Bangalee Nationalism” attempted to repress and absorb indigenous ethnic identities for the sake of greater “Bangalization” model of state building. Eventually, this led to a demand for autonomy for the CHTs by the indigenous community.

During qualitative interviews and group discussions many indigenous people justified their fighting against Bangladesh army and also violence with settler Bengalees as a struggle to protect their identity and existence. One ethnic family who lost their son stated,

My son was killed in 1983. We did not have his dead body; even I lost his picture while escaping from army. We are sad for his death, but where to appeal. He sacrificed his life to obtain rights of our nation, so for his death we are not so sad (Interview with an IP family in Kaptai in CHTs).

Thus, denial of traditional property rights and destruction of resource base marginalized the ethnic people of the CHTs by violating their economic rights and denial of their identity as a separate community enhanced their ethnic emotion, which they considered as a justified cause of violence.

4.3 Militarization, Massacres and Intervention in Everyday life

Considering geographic location and in the name of national security the CHTs has been militarized by both colonial and post-colonial periods. But, in independent Bangladesh, especially from mid 1970's due to increased guerrilla attack by the "*Shanti Bahini*" (SB) (*Peace Force*), the armed wing of indigenous political party in the CHTs named, "Jana Sanghati Samity (JSS)" government deployed around one-third of the Bangladesh military in the CHTs, spending around 125 million USD per year (Tripura, 2008:67). They allegedly have been violating human rights on a massive scale that include killing, attacks, sexual violence, and the like. One estimate indicates in 1981 alone, approximately 10,000 IPs were killed in the CHTs (Adnan, 2004:30). During field visit many IPs also expressed their grievances regarding militarization of the area as well as for massacres carried out by the military. One of them stated,

Before 1979 there was almost no record of communal riot. To suppress IPs government brought army in CHTs. Army brought settlers as human shield... it destroyed total balance of CHTs. With army support settlers took everything from already marginalized IPs (Interview with a local IP leader in Khagrachari, CHTs).

But at the same time during 1980's-1990's ethnic guerrillas also carried out number of attacks targeting both the Bangladesh military and the Bangalee settlers. According to government sources, during this time 1,180 people were killed and more than 4,000 people were wounded by the SB (Levine, 1999: 340). In response government went for full scale militarization of the CHTs. A number of concerned non-governmental organizations like the Survival International, ILO, Anti-Slavery Society and Amnesty International have noted the extreme plight of the CHTs conflict, claiming a figure of 140,000 fatalities since 1947 (Ibid.).

Many IPs justified their decision to start arms resistance and fighting as a response to these massacres to keep their existence. In the interview an ethnic ex-combatant of Peace Force stated,

From my childhood I would feel inspiration to do something for my nation to keep existence of our 10-12 ethnic groups. When I was 21, in the prime of my youth, I saw Dighinala (a village in Khagrachari of CHTs) was burning; Panchari (A place in Khagrachari) was burning. I thought instead of educating myself for personal benefit I would work for my nation and I have decided to join in the guerrilla force. (Interview with an ex-guerilla in Khagrachari , CHTs).

During field investigation many IPs reported about military intervention in

everyday life by conducting extrajudicial torture, rape, sexual violence, abduction, and forced religious conversion. In many cases armed forces were also accused for helping Bengalees in doing these. All these are related to violations of ESC and CP rights of IPs and also linked to ethnic conflict in the CHTs.

V. Post-conflict Development, Human Rights and Peace-building in the CHTs

More than two decades long conflict in the CHTs officially declared ended in 2nd December, 1997 by the signing of a peace accord. But, still after a decade of the accord peace remain illusive for the people of the CHTs. In the post-peace accord CHTs in addition to previous conflict risk factors inadequacy and inequality in different socio-economic dimensions caused lower human development and violations of human rights and thus serves as an obstacle to sustainable peace-building by enhancing recurrence of conflict. Moreover, analysis revealed that there are constraints within the provisions of the peace accord which caused failure of addressing past grievances and human rights violations. Thus, factors related to ESC and CP rights violations still remain as constraints to human development and peace-building in the CHTs.

5.1 Land Dispossession, Poverty and Conflict in the Post Peace Accord CHTs

Land dispossessions and displacement remains as a major cause of conflict recurrence in the post peace accord CHTs. Data shows in the post peace accord period 18.7% households in the CHTs reported they have dispossessed lands with an amount of 89.7 decimal on an average (Table 4). Among them IPs are higher 21.8% and Bangalees 14.8%. Field data also shows land dispossession is ethnically correlated as IPs lost more lands than Bangalees. 18.0% IPs blamed Bangalees and 7.7% Bangalees blamed IPs for land dispossession.

Table 4: Land Dispossession Scenario in the CHT after Peace Accord

Households Dispossessed	IPs all	Bangalee	All CHTs
HHs ever dispossessed of land (%)	21.8	14.8	18.7
Amount dispossessed (decimal)	115.1	58.3	89.7

Source: HDRC, 2009

In terms of socio-economic conditions, analysis shows still in the post peace accord CHTs poverty is much higher (74.1%) than national average (28.6%) and IPs are poorer than Bangalees. People from both communities living in the CHTs reported about wide spread poverty and lack of employment opportunity in the post peace accord CHTs. One old Bangalee family living in the CHTs for more than 50 years when

asked about their economic condition stated,

Life is so so here, sometimes good, sometimes bad. How could it be any better, my sons are unemployed. No work in this area, no opportunity, no business possibility, so every year we suffer. We don't have enough food for the whole year (Narrated by a Bangalee settler, at Rangamati).

Similarly, HDRC data shows in the post peace accord CHTs Bangalees are more or less food secured when IPs suffers somehow throughout the year. In many instances discriminatory government policies are found responsible for poverty of the IPs.

5.2 Discrimination in Basic Facilities in the Post Peace Accord CHTs

In the post peace accord CHTs various institutions related to socio-economic development found inadequate, inefficient and discriminatory in terms of ethnicity. Analysis of education data shows only 7.8% and 2.4% of all the CHTs people completed primary and secondary education respectively and the average years of schooling is only 2.8. Financial constraint, distance, insecurity and medium of instruction are reported as some of the main reasons of dropout. Data in the table 5 below shows 98.8% and 97.7% IPs reported language of books and medium of instruction in school other than mother tongue respectively. Therefore, for IPs number of drop out is much higher compare to Bangalees.

Table 5: Language of Books and Medium of Instructions in Schools

		Language of Books			Medium of instruction in Schools		
		Mother Tongue (%)	Other than Mother Tongue (%)	Total (N)	Mother Tongue (%)	Other than Mother Tongue (%)	Total (N)
Ethnicity	IP	1.2 % (9)	98.8% (742)	751	2.3% (17)	97.7% (750)	750
	Bangalee	95.55% (642)	4.45% (30)	672	95.5% (642)	4.5% (30)	672

Source: HDRC, 2009

Qualitative data also support this finding, an indigenous school teacher from Khagrachari, CHTs stated,

As Bangla is the official language of instruction when indigenous children come to school first they have to hear instructions in Bangla, a language that they don't speak or understand well. So, the only option for them is either to sit in the class room without understanding anything or not to attend the class (Narrated in an interview in the Khagrachari).

Similarly, availability of health facilities and knowledge about basic health providers in the CHTs found inadequate and IPs reported more inadequacy and also has less knowledge. These inadequate and discriminatory post Peace Accord socio-economic conditions are not only enhanced vulnerabilities and human insecurities of the people of the CHTs but also caused overall lower human development and created an environment of insecurity and hopelessness among the people.

5.3 Armed Violence, Ethnic Polarization and Recurrence of Conflict

Analysis of post peace accord violence and conflict shows that about 73.33% of all the CHTs HHs with 80% IPs and 66.67% Bangalees reported that they have experienced armed violence (Table 6). Total 68.89% of all the CHTs HHs reported they or any of their family members wounded or killed, among them 75.56% IPs and 62.22% Bangalees. Overall 42% of the CHTs households have expressed that they do not feel confident to move outside their own community.

Table 6: HHs Experienced Armed Violence & Wounded After Peace Accord

		Experienced armed violence			Wounded/killed self/any member		
		Yes	No	Total	Yes	No	Total
Ethnicity	IP	36 (80%)	9 (20%)	45	34 (75.56%)	11 (24.44%)	45
	Bangalee	30 (66.67%)	15 (33.33%)	45	28 (62.22%)	17 (37.78%)	45
All CHT		66(73.33%)	24 (26.67%)	90	62 (68.89%)	28 (31.11%)	90

Source: Field Data

During field visit many people from both communities also stated how violence and ethnic polarization in the post peace accord CHTs is responsible for loss of over all human security. Conflicts of interest and violence erupted between the pro-accord group, the PCJSS (Parbatya Chattagram Jana Sanhati Samiti or United People' Party

of the Chittagong Hill Tracts) and anti-accord group, the UPDF (United People's Democratic Front)². The government also took a "split and rule" strategy and involved in instigating the UPDF armed members to carry out activities against the PCJSS, and a long-lasting enmity is planted among them. One Bangalee settler stated the situation as,

There is no advantage due to the peace accord rather it is harming us. Because before paying toll one group (Shanti Bahini) we could work one season now we need to pay two thousands to two groups (Narrated by a Bengalee settler in Rangamati during life history analysis).

5.4 Analysis of Main Constraints to Peace-building in the Post Peace Accord CHTs

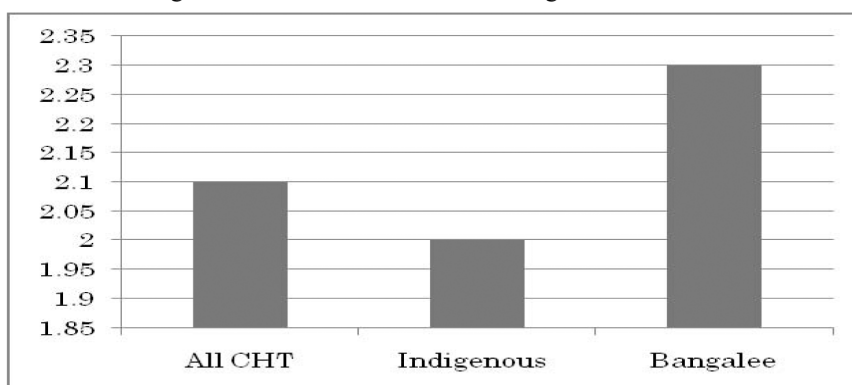
Analysis shows post-conflict development and peace-building initiatives failed to establish trust and confidence among the people of the CHTs. Majority of the people in the CHTs have reported extremely inadequate knowledge about the content of the peace accord and development initiatives. About 86.67% IPs & 75.56% Bangalees reported still unfriendly relationship among communities. As constraints to peace-building in the CHTs respondents have mentioned a total of eleven factors, among these communal threat (81%), extortion (80%), abduction (78%), armed conflict (78%) are main.

Thus, due to various constraints related to post conflict development and peace-building the status of confidence-building in the CHTs has been found to be very low across the communities and indicators as assessed by HDRC by using a comprehensive index named "Confidence-Building Index" (CBI). For all the communities living in the CHTs the value of CBI found is 2.1 (the highest possible CBI value being 4) in general. The value of CBI for the Bangalees stands at 2.3, while this value for the IPs as a whole is 2.0 (Figure 3).

Thus, above analysis shows still in post peace accord CHTs policies, programs and other development initiatives failed to address issues related to ethnic conflict. While many conflict risk factors related to violations of ESC and CP rights of IPs still remain unaddressed, inadequate and unequal post-conflict socio-economic conditions caused continuation of human rights violations and lower human development and contributed to recurrence of conflict in the CHTs.

2 The UPDF is a political party based in the CHTs, founded on 26 December, 1998, a year after the signing of the 'CHTs Peace Accord'. The UPDF has serious reservation against the Peace Accord. It believes the accord failed to address fundamental demands of the hill people. Therefore, they pledge to fight for the right of self-determination of IPs through the establishment of full autonomy.

Figure 3: Overall Confidence Building Index in CHTs



VI. Legal Obligations and Violations of Human Rights in the CHTs

Bangladesh is bound under national constitution and international human rights laws to respect fundamental human rights, including those of indigenous peoples. It has also specific treaty obligations to protect, promote and fulfil human rights pursuant to its ratification of the major human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), International Convention on the Elimination of Racial Discrimination (CERD), Convention on the Elimination of Discrimination against Women (CEDAW), Convention Against Torture (CAT) and the Convention on the Rights of the Child (CRC). In addition, it also has binding obligations under specific treaties addressing indigenous peoples' rights, such as the ILO Convention on Indigenous and Tribal Populations (Convention No. 107) and the Convention on Biological Diversity. But, details analysis shows Bangladesh failed to obey or intentionally avoided many of its legal bindings under these laws.

6.1 Legal Obligations under National and International Laws

The Constitution of Bangladesh, adopted on 4 November 1972, guarantees fundamental rights to equality before the law, and for citizens to be treated in accordance with law, and to enjoy equal opportunities with regard to public employment or education, to life, liberty, personal security, and freedom of movement, assembly and association, expression, religion, profession and occupation and property, and to the protection of home and correspondence (Articles 27-43). The Constitution further guarantees the right to seek judicial remedies for violations of human rights (Article 44). The Constitution specifically provides that the state shall not discriminate on grounds of, *inter alia*, caste or race (Article 27), and that it shall take 'special measures' to secure the rights of 'women, children and backward sections' of society (Article 28(4)).

Additionally, the Constitution sees the emancipation of ‘backward sections’ from all forms of exploitation as a “fundamental responsibility of the state” (Article 14).

Similarly, the UDHRs set the civil, political, social, economic and cultural rights of each human being through a set of articles (UDHR, 1948). Included among these are the right to life, liberty and security; the right not to be discriminated against; the right of equal access to public service; the right to freedom of speech, the right to be free from arbitrary invasion of privacy, family or home; the fundamental rights granted by the constitution or by law; and legal rights such as the right to due process of law. The “ILO Indigenous and Tribal Populations Convention-1957” protect the indigenous minority groups by ensuring the enjoyment of their own culture, religion and language (ILO, 1999). Some of this includes the right of the IPs to control their lands and territories, to maintain their traditional way of living, and the right to security.

Moreover, Article 2(2)(c) of ILO Convention 169” states that the government should work to the end the socio-economic gap existing between IPs and other sections of society, Article 7.2 states that, it is the responsibility of the government to improve livelihoods, increase employment, increase access to health and education and undertake the overall development of IPs with their participation. The Draft “United Nations Declaration on the Rights of Indigenous People” emphasizes that indigenous people shall not be forcibly removed from their lands or territories and that they have rights to the conservation, restoration and protection of the total environment and the productive capacity of their lands (Article 10 and 28) (UNCHR, 1993). Moreover, the Agenda 21 (Chapter 26) places special emphasis on indigenous people and recognizes the need to establish their rights to attain peace and sustainable development in a region (UNCED, 1992). It also describes the obligations of governments in strengthening the role of IP for natural resource management. “The Convention on Biological Diversity” places importance on protecting and encouraging customary use of biological resources in accordance with the practices of indigenous and local communities (Colchester, 1999). Once a country signs these agreements, it automatically accepts the obligation to establish human rights as well as the rights of indigenous people within its borders. As Bangladesh has signed and ratified all these laws and conventions, it has international obligations to establish the rights of its people as well as human rights of IPs.

Moreover, in situations where the government itself cannot fully guarantees people’s human rights, based on the desires of the local residents, the international community must bear the supplementary responsibility for the guarantee of human rights based on the development of human rights laws including the UN charter and

the International Covenants on Human Rights, and particularly, the right to development, which is referred to as a collective right (Sato, 1997: 52). Therefore, Indigenous people of the CHTs has right to be protected under national constitution and international laws by the national government at the same time international community has also responsibility to protect them in situation of unwillingness by the government.

6.2 Violations of Legal Obligations and Human Rights in the CHTs

All incidents described about conflict and post-conflict situation in the CHTs are not only linked to violation of human rights granted to all people under national constitution of Bangladesh but also clear violation under various universal human rights laws. For example, intended population transfer is contrary to the non-discrimination clauses of the Constitution of Bangladesh (Article 14, article 27 and article 29). Forceful removal from lands or territories is violation of Article 10, 25, 29 of UN Declaration on the Rights of IPs. Also, destruction of indigenous culture, obstacle to practise own religion and other traditional events are violation of Article 11, 12, 13, 31 of UN Declaration on the Rights of IPs. According to the same document IPs has the right to have education in their own language (Article 14), have right to access without any discrimination to all social and health services (Article 24), have right to determine strategies for exercising their right to development (Article 23), right to maintain and develop their political, economic and social systems and institutions (Article 20). According to the UN Declaration on the Rights of IPs, state military activities are prohibited in the lands of IPs without their concern (Article 30) and free and informed consent of the IPs is required prior to the approval of any development project affecting lands of IPs. Similarly, denial of ethnic identity, autonomy and right to self-determination is contrary to the Article 2, 3, 4, 9 of UN Declaration on the Rights of IPs and Article 1 (a) (b) and article 1(2) of ILO convention 169.

Both qualitative and quantitative data support above human rights violations of the IPs of the CHTs. Moreover, in the CHTs many people reported various underlying and proximate risk factors related to ESC and CP rights violations as cause of conflict. At the same time analysis revealed that, unfortunately, the governments of Bangladesh failed utterly to respect the constitution of the republic and perform according to its provisions in protecting the rights of IPs in both pre conflict and post-conflict development and peace-building activities in the CHTs. The government also failed to regard and respect for international conventions and covenants to which it is a signatory.

VII. Conclusion and Recommendations

Analysis shows in the ethnic conflict of the CHTs factors related to human rights violations are not only functioned as causes and consequences but also as

transformative factors as they hampered post-conflict human development and thus contributed to conflict recurrence. Qualitative and quantitative data analysis documented human rights abuses of Indigenous Peoples in the CHTs, including violations of the rights to identity, access to own lands and resources, the exercise of political, cultural, social, and religious rights, as well as systematic violations of rights to development, housing, minimum education and adequate health care. All these factors violated both ESC and CP rights of the IPs and in addition to historical grievances triggered ethnic conflict. The analysis shows that, in cases where violations of ESC rights continued for a long time, violations of CP rights caused the immediate eruption of the conflict because the conflict basically started on a massive scale after the denial of ethnic identity after independence of Bangladesh.

Moreover, the analysis of quantitative and qualitative data shows that in the post Peace Accord period, in addition to previous conflict risk factors inadequacy and inequality in different socio-economic dimensions caused lower human development and violations of human rights for indigenous peoples and thus serves as an obstacle to peace-building by causing recurrence of conflict. The analysis revealed that still today, twelve years after the signing of the Peace Accord in 1997, torture, killing, abduction, arbitrary arrest and violations of other ESC and CP rights of the IPs remain major contributing factors for recurrence of conflict. Due to institutional failure and activities of political entrepreneurs, wide spread poverty, displacement, armed violence, as well as inadequate and discriminatory access to education, health services and other nation building institutions caused lower human development of IPs in the post Peace Accord CHTs. Further analysis of national constitution and international human rights laws (IHLs) shows all these factors caused violations of human rights of the indigenous peoples provided under these documents, and also found related to recurrence of conflict in the post Peace Accord CHTs.

Further analysis of data revealed that people of the CHTs not only expressed lower knowledge about the Peace Accord but also even a decade after the conclusion of the Peace Accord the level of trust and confidence among people from different communities is found to be very low. Moreover, post-conflict development measures also failed to ensure equal participation of all communities to build trust and confidence among interdependent communities in the CHTs.

Thus, both the Peace Accord and development initiatives failed to address violations of human rights to make peace process sustainable. Therefore, strategies from the human rights perspectives can enhance sustainable peace-building in the CHTs by addressing obstacles in the social, political, cultural, and economic dimensions and thus by ensuring equality and non discrimination. To this end, this article proposes some

recommendations including the implementation of the Peace Accord; constitutional recognition of IPs; addressing poverty and ethnic discriminations; legal settlement of disputes related to land, and resource ownership; strengthening local institutions; promoting peace education and dialogues; formulating reconciliation activities for inter-ethnic relationship building; ensuring participation of civil society and international organizations; regional cooperation and enhancing national political will. These institutional, economic, social, and cultural measures will empower people to protect their basic rights and thus to check recurrence of conflict to make development and peace sustainable in the CHTs.

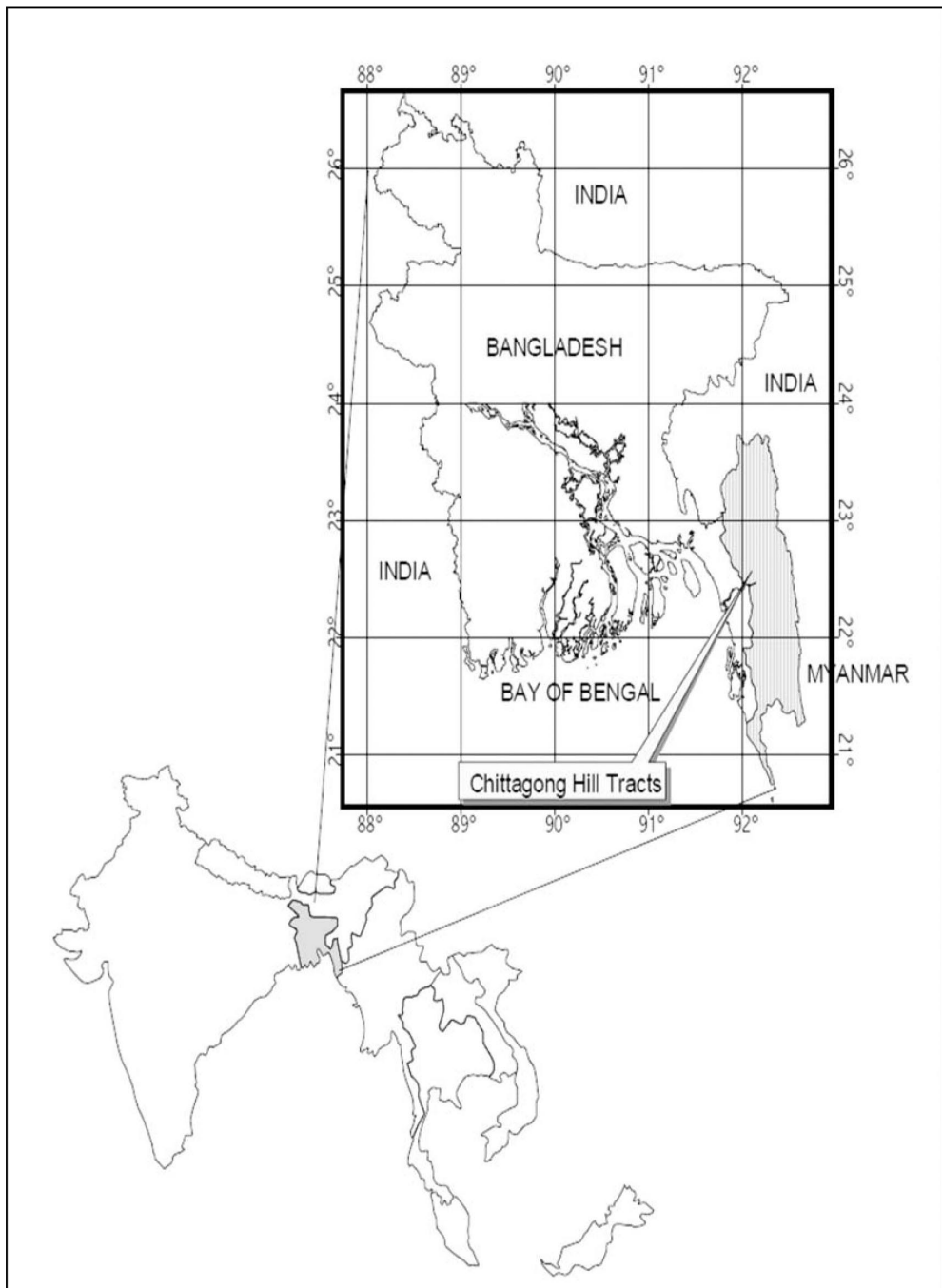
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ANNEX 1: MAP OF THE BANGLADESH AND THE LOCATION OF THE CHITTAGONG HILL TRACTS
(CHTs)



Source: CHTs Commission, 2000.